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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/614,134      | 07/08/2003  | Kenichi Sakamoto     | 501.37526CX1        | 5988             |

20457 7590 08/11/2004

ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-9889

EXAMINER

LEVITAN, DMITRY

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2662

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/614,134

Applicant(s)

SAKAMOTO ET AL.

Examiner

Dmitry Levitan

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/29/03
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_

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Amendment, filed 09/29/03 has been entered. Claims 2-12 remain pending.

### ***Drawings***

1. The drawings are objected to because of typographical errors in Fig. 4-6: "FLAME" instead of FRAME. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCloghrie (US 6,035,105) in view of Chen (US 6,392,997).

Regarding claims 2, 6 and 10, McCloghrie substantially teaches the limitations of claims: A packet communication apparatus, method and system to transmit a packet from a first network to a second (LAN switch 103 and two networks 102 on Fig. 1 2:33-49), wherein the packet includes address (inherently part of any packet, because an address is essential for packet routing) and a first header (tag 107 on Fig. 1 and 2:66-67, 3:1-6) used to compose a closed network in the first network comprising:

A packet generating unit/router which generates a second header used to compose a closed network in the second network based on the address and information in the first header (LAN switch 103 on Fig. 1 and 3:7-14); and

A transmitter which transmits a packet having thereto said second header (LAN switch 103 on Fig. 1 and 3:7-14).

McCloghrie teaches the packet with MAC address (4:33-44).

McCloghrie does not teach the packet includes IP address.

Chen teaches the packet includes IP address (4:25-30 and 5:2-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add use of IP address of Chen to the system of McCloghrie to improve the system compatibility with networks based on widely used standard (IP).

In addition, regarding claim 6, McCloghrie teaches receiving the packet (3:7-14).

Regarding claims 3, 7 and 11, McCloghrie teaches replacing the first header with the second header (3:11-14).

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Regarding claims 4, 8 and 12, McCloghrie teaches a route decision processing unit (LAN switch 103) which routes the packet to the second network according to address (MAC address 4:33-44) and information in the first header (tag 107 4:62-64).

Regarding claims 5 and 9, McCloghrie substantially teaches the limitations of the parent claims 2 and 4.

McCloghrie does not teach packet as IP packet.

Chen teaches IP packets (4:25-30 and 5:2-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use of IP packets of Chen in the system of McCloghrie to improve the system compatibility with networks based on widely used standard (IP).

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

|            |           |   |
|------------|-----------|---|
| McCloghrie | 6,219,699 | Multiple VLAN architecture system.  |
| McCloghrie | 6,304,901 | Multiple VLAN architecture system.  |
| Callon     | 5,430,727 | Multiple protocol routing.  |
| Ross       | 5,394,402 | Hub for segmented virtual local area networks with shared media access.                   |
| Perlman    | 5,450,407 | Encapsulation of an address within a forwarded frame in a computer communications system. |
| Spinney    | 5,390,173 | Packet format for packet data communications system.                                      |

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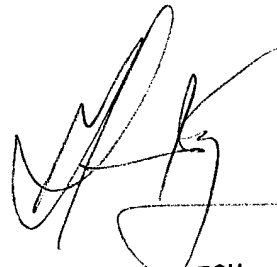
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is 703-305-4384. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Dmitry Levitan  
Patent examiner.  
08/04/04



HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600